

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

3 STATE OF FLORIDA, )  
4 Plaintiff, )  
5 vs. ) Case No: 3:21-CV-1066  
6 UNITED STATES OF AMERICA; ALEJANDRO ) Pensacola, Florida  
7 MAYORKAS, Secretary of the U.S. )  
8 Department of Homeland Security, in ) January 12, 2023  
9 his official capacity; U.S. DEPARTMENT ) 9:00 a.m.  
10 OF HOMELAND SECURITY; TROY MILLER, )  
11 Acting Commissioner of U.S. Customs )  
12 and Border Protection, in his official )  
13 capacity; U.S. CUSTOMS AND BORDER )  
14 PROTECTION; TAE JOHNSON, Acting )  
15 Director of U.S. Immigration and )  
16 Customs Enforcement, in his official )  
17 capacity; U.S. IMMIGRATION AND CUSTOMS )  
18 ENFORCEMENT; UR M. JADDOU, Director of )  
19 U.S. Citizenship and Immigration )  
20 Services, in her official capacity; )  
21 U.S. CITIZENSHIP AND IMMIGRATION )  
22 SERVICES, )  
23 Defendants. )  
24 \_\_\_\_\_)

TRANSCRIPT OF BENCH TRIAL - DAY 4  
BEFORE THE HONORABLE T. KENT WETHERELL, II  
UNITED STATES DISTRICT JUDGE  
(Pages 1 through 261)

APPEARANCES:

For State of Florida: Office of the Attorney General  
by: JOHN M. GUARD, JAMES H. PERCIVAL,  
ANITA J. PATEL, NATALIE CHRISTMAS  
and JOSEPH HART  
The Capitol, Suite PL-01  
400 South Monroe Street  
Tallahassee, Florida 32399  
(850) 414-3300  
*james\_percival@myfloridalegal.com*  
*anita.patel@myfloridalegal.com*  
*joseph.guard@myfloridalegal.com*  
*natalie.christmas@myfloridalegal.com*

## APPEARANCES CONTINUED:

For the United States: Department of Justice  
Office of Immigration Litigation  
by: **ELISSA FUDIM, ERIN T. RYAN**  
**and JOSEPH A. DARROW**  
450 5th Street NW  
Washington, D.C. 20001  
(202) 532-5802  
*elissa.p.fudim@usdoj.gov*  
*erin.t.ryan@usdoj.gov*  
*joseph.a.darrow@usdoj.gov*

1 leading guidance that Florida has provided to its employees?

2 A. As it relates to parole or other mechanisms of entry, such  
3 as being in removal proceedings or is an asylum applicant?

4 Because those two are addressed in the manual.

5 Q. Okay. I'm talking about just in terms of release, release  
6 mechanism.

7 A. Certainly, there -- I believe there's another category for  
8 individuals who are -- there's several categories. Cubans who  
9 are given an indefinite -- I mean, we can go back to the  
10 beginning, we can walk through it. Go back to the table of  
11 contents. I can show you.

12 Q. Yeah, you can go to the Table of Contents.

13 A. Okay. So if you can -- let's see. Under deportation  
14 withheld, Number 28 and 29, national of Cuba or Haiti with an  
15 indefinite stay of deportation or deportation withheld. There's  
16 also --

17 Q. Okay. I think perhaps we were talking -- now that I see  
18 what you're looking at, I think perhaps we were talking -- there  
19 was a miscommunication between us. I'm talking about release  
20 mechanisms. So I understand that there's individuals who may be  
21 eligible -- Cuban and Haitian individuals that may be eligible  
22 because deportation has been withheld, but that is not connected  
23 to their original type of entry into the country or their  
24 original type of release, correct?

25 A. Can I suggest we go to page 32 and look at the

1 Cuban/Haitian entrant definition?

2 Q. Sure.

3 A. So there you'll see all of the different types of --  
4 Cuban/Haitian entrant is not an immigration status, but it's  
5 defined in the Refugee Education Assistance Act to be people who  
6 are eligible for assistance. And it includes not only  
7 individuals who have been paroled but also those who are -- have  
8 an asylum application pending or are in removal proceedings.  
9 And there's a bunch of different categories here.

10 Q. Okay. So I just want to make sure that it's clear for the  
11 Court. So any type of Cuban or Haitian -- and possibly the two  
12 other nationalities you --

13 A. The other one is a little more restrictive, too.

14 Q. Those are more restrictive?

15 So if you're a Cuban or a Haitian and you've been  
16 released and you have documentation to show that you've been  
17 released with any of the documents listed under the word  
18 "documentation" on page 32, you would then be eligible for these  
19 benefits --

20 A. Correct.

21 Q. -- is that correct?

22 A. Mm-hmm.

23 Q. Okay. And if it's a parole, in particular, you would have  
24 to have the I-94 or a similar stamp in your passport?

25 A. Some kind you have a stamp -- some kind of an indication

1 it's for families who don't have children; am I right?

2 A. The Refugee Cash Assistance component of the refugee  
3 program mirrors TANF, yes.

4 Q. Okay. For families without children?

5 A. Correct.

6 Q. Okay. And this program is a 100 percent funded by the  
7 federal government, right?

8 A. Yes.

9 Q. And that's true for Cubans and Haitians as well?

10 A. Yes.

11 Q. And, in fact, all the refugee programs in the State of  
12 Florida are a 100 percent federally funded, right?

13 A. Yes.

14 Q. Now, I'm not sure if you mentioned this, so correct me if  
15 I'm wrong, but there's also a substance abuse and mental health  
16 program that's overseen by DCF?

17 A. There is.

18 Q. And that program provides both inpatient and outpatient  
19 services, right?

20 A. Yes.

21 Q. Okay. So focusing solely on outpatient services for one  
22 moment, fair to say that you can't tell us how many of the  
23 individuals receiving those services are applicants for  
24 admission who crossed the southwest border and were paroled  
25 since January of 2021?

1 Q. So that would include food assistance?

2 A. Yes.

3 Q. And cash assistance?

4 A. Yes.

5 Q. Okay. And they're also eligible to receive those benefits  
6 regardless of how long ago they were granted parole, correct?

7 A. Yes.

8 Q. Okay. So a Cuban or Haitian who entered the southwest  
9 border and was released on parole, say two weeks ago, and made  
10 their way to Florida, they would be eligible for SNAP benefits;  
11 is that right?

12 A. Yes.

13 Q. They would also be eligible for TANF benefits?

14 A. Yes.

15 Q. And for Medicaid?

16 A. Assuming they meet all the other qualifications, yes.

17 Q. Okay. And that's the same for Medicaid?

18 A. Yes.

19 Q. Okay. And so Cubans and Haitians who entered and were  
20 otherwise released pending their removal proceedings, they're  
21 also eligible for those same benefits; is that accurate?

22 A. Yes.

23 Q. All right. And again, there's no time restriction as it  
24 relates to their immigration status?

25 A. Correct.

1 entry date because that is the -- there's a time frame of  
2 eligibility for refugee services and benefits that starts with  
3 their date of entry. So we don't track it for the SNAP and TANF  
4 and Medicaid programs, but we do track it for the refugee cash  
5 and medical assistance and the refugee program. So we do record  
6 on a monthly and annual basis the date of entry. So the  
7 139,000, or whatever the number was that you gave us, was for  
8 that period of October 1st through September 31st of 2022.

9 THE COURT: But again, you don't know where they  
10 entered, you just know they did enter?

11 THE WITNESS: Correct.

12 THE COURT: Gotcha.

13 And so your question was what, Ms. Patel?

14 MS. PATEL: I was asking whether it's likely that some  
15 of those Cubans and Haitians that entered, some of those  
16 153,000, is it likely they're also receiving economic  
17 self-sufficiency benefits such as SNAP?

18 MS. FUDIM: And I object to that, Your Honor.

19 THE COURT: I'll allow her to answer, and you can  
20 explore the basis for that knowledge on redirect.

21 You can answer.

22 THE WITNESS: Okay. Yes, it's likely.

23 BY MS. PATEL:

24 Q. Okay. And you were also asked about residential mental  
25 health services that are provided to noncitizens. Do you recall